

CALIFORNIA STATE PERSONNEL BOARD MEETING  
801 Capitol Mall  
Sacramento, California

Public Session Location - Room 150  
Closed Session Location - Room 141

MID-MONTH BOARD MEETING MINUTES

FEBRUARY 17, 1999

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Florence Bos, President  
Richard Carpenter, Vice President  
William Elkins, Member  
Lorrie I. Ward, Member

2. REPORT OF THE EXECUTIVE OFFICER - WALTER VAUGHN

The Board was advised of the following:

- A. The recent National Association of State Personnel Executives meeting focused on recruiting information technology staff, workforce planning, pay for performance, training human resource professionals and recent evaluations of state programs by Governing magazine.
- B. State Personnel Board staff met with the new Director of Transportation, Jose Medina, and offered assistance and technical support.
- C. The State Personnel Board Selection Conference is scheduled for April 8, 1999.

- D. State Personnel Board staff is following up with the Department of General Services on examination issues.

3. REPORT OF THE CHIEF COUNSEL - ELISE ROSE

The Chief Counsel reported on:

- A. State Personnel Board v. Department of Personnel Administration/Bargaining Unit 8 Memorandum of Understanding - The Superior Court for the County of Sacramento hearing is scheduled for Friday, February 19, 1999.
- B. Hernandez v. State Personnel Board(SPB)/California Highway Patrol(CHP) - The Superior Court for the County of Los Angeles overturned SPB's precedential decision Andrew Hernandez SPB Dec. No. 98-09, in which the Board found that a department has the discretion to extend an employees probationary period for the purpose of completing the Skelly process, provided that the department served the probationary employee with a notice of rejection within the employees original probationary period. The Superior Court found that the CHP has no authority to extend petitioner's probationary period where the notice of rejection was served more than 5 days before the end of the probationary period. Staff has no notice of court having signed judgment at this time.
- C. Garcia v. State Personnel Board/Department of the Youth Authority - The Superior Court for the County of San Diego hearing on language of judgment took place February 16, 1999. Court declined to issue statement of decision and requested real party in interest to submit proposed judgment and writ consistent with court's telephonic ruling.
- D. Geronimo v. State Personnel Board(SPB)/Department of Developmental Service - Case was remanded to SPB to take further action in light of the Superior Court for the County of Sacramento granting the petition for writ in part. Appeal has been filed. Superior Court will be informed.

4. REPORT ON LEGISLATION - JUDY BALMAIN

The Board was advised of the following:

- A. Senator Deborah Ortiz has agreed to introduce the State Personnel Board's omnibus legislative proposal.
- B. A Joint Hearing of the Assembly Public Employees Retirement & Social Security, and the Senate Public Employment & Retirement Committees is scheduled for February 24, 1999. The State Personnel Board will provide written information to the Committees.
- C. The State Personnel Board's Senate Budget Hearing is scheduled for April 14, 1999.

The State Personnel Board voted on the following Legislative Bills:

- A. SB 48 (Sher/Speir) Public records: Disclosure - Oppose unless amended
- B. SB 129 (Peace) Personal information: Collection and disclosure - Oppose unless amended

VOTE: Bos, Carpenter, Elkins, Ward - Aye.

BOARD ACTIONS

5. STATE PERSONNEL BOARD SUMMARY MINUTES OF FEBRUARY 2, 1999

ACTION: Adopted on February 17, 1999.

VOTE: Bos, Carpenter, Ward - Aye.

6. ADMINISTRATIVE LAW JUDGE CASES

On February 17, 1999, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Bos, Carpenter, Elkins, Ward - Aye.

REMANDED DECISION

WARD SHELDON, CASE NO. 98-0319  
MICHAEL CROMBIE, CASE NO. 98-0308  
Appeals from 30 calendar days suspension  
Department of Corrections  
ACTION: Suspensions Sustained

PROPOSED DECISIONS

LAURA LEE ANDERSON, CASE NO. 98-0121  
Appeal from dismissal  
Department of Corrections  
ACTION: Dismissal Sustained

ANTHONY ANDREWS, CASE NO. 98-2924  
Appeal from 30-calendar day suspension  
Department of Corrections  
ACTION: Suspension Revoked

ANGELA BLAKES, CASE NO. 98-3598  
Appeal from official reprimand  
Department of the Youth Authority  
ACTION: Administrative Law Judge's proposed decision  
rejected by Board. Board to decide case itself

VICTOR BOLDEN, CASE NO. 98-3479  
Appeal from 1-step reduction in Salary for 6 months  
Department of Corrections  
ACTION: Reduction in Salary Modified to 1-Step for 3 Months

PRISCILLA CLARK, CASE NO. 98-4472  
Appeal from 1-step reduction in Salary for 6 months  
Department of Corrections  
ACTION: Reduction in Salary Sustained

ANDREO CASTILLO, CASE NO. 98-2997  
Appeal from official reprimand  
Department of Corrections  
ACTION: Official Reprimand Sustained

CARMEN J. CHATMON, CASE NO. 98-3903  
Appeal from official reprimand  
Department of Motor Vehicles  
ACTION: Official Reprimand Sustained

PATTY CLAIR, CASE NO. 98-2847

Appeal from dismissal

Department of Mental Health

ACTION: Dismissal Modified to 8 Months Suspension

PAUL CRUZ, CASE NO. 98-1079

PAUL CRUZ, CASE NO. 98-2663

Appeals from 1-step reduction in Salary for 6 months and  
dismissal

Department of Corrections

ACTION: Reduction in Salary Sustained and Dismissal Modified  
to 15 Working Days Suspension

FRANCIS J. CURRY, JR., CASE NO. 97-3302

Appeal from dismissal

Department of Forestry and Fire Protection

ACTION: Dismissal Sustained

JOHN J. DENAULT, CASE NO. 98-4283

Appeal from 5 working days suspension

Department of Corrections

ACTION: Suspension Revoked

LESLIE HEINRICH, CASE NO. 98-0183

Appeal from 60-calendar day's suspension

Department of Corrections

ACTION: Suspension Modified to 30 Calendar Days

SUSAN D. KRAMER, CASE NO. 98-3768

Appeal from official reprimand

Department of the Youth Authority

ACTION: Official Reprimand Revoked

EDWARD KROHN, CASE NO. 98-4377

Appeal from 30 working days suspension

Department of Corrections

ACTION: Administrative Law Judge's proposed decision  
rejected by Board. Board to decide case itself

FELIPE LOPEZ, CASE NO. 98-4194

Appeal from 10 working days suspension

Department of Corrections

ACTION: Suspension Sustained

GLEN S. SCHOLAR, CASE NO. 98-3464

Appeal from dismissal

Department of Corrections

ACTION: Dismissal Sustained

JOAQUIN TURNER, CASE NO. 98-4072  
Appeal from 60 working days suspension  
Department of Corrections  
ACTION: Suspension Sustained

ROSEMARY VAN DUSER, CASE NO. 98-1071  
Appeal from dismissal  
California State University, Long Beach  
ACTION: Dismissal Sustained

DOUGLAS WILKINSON, CASE NO. 98-2115  
Appeal from 5 percent reduction in salary for 6 pay periods  
Department of Forestry and Fire Protection  
ACTION: Reduction in Salary Revoked

ROBERT WILLIAMS, CASE NO. 98-1508  
Appeal from demotion  
Department of Industrial Relations  
ACTION: Demotion Sustained

RUTH ANN CALLAHAN, CASE NO. 98-3310  
Appeal from dismissal  
Department of Development Services  
ACTION: Dismissal Modified to 6 month Suspension

ETHEL WARREN, CASE NO. 98-2130  
Appeal from dismissal  
Department of Corrections  
ACTION: Administrative Law Judge's proposed decision  
rejected by Board. Board to decide case itself.

DARYL RUSSELL, CASE NO. 98-0597  
Appeal from 1-step reduction for 18 months  
Department of Corrections  
ACTION: Reduction in Salary Modified to 1-step for 12 Months

JOHN C. JONES, CASE NO. 98-3893  
Appeal from 5-calendar day suspension  
Department of Corrections  
ACTION: Suspension Sustained

PETITIONS REHEARING

MARY CATHERINE GRAY, CASE NO. 98-0578  
Appeal from dismissal  
Department of Corrections  
ACTION: Petition for rehearing filed by respondent Granted

7. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1 EXTENSION. (See pages 18-20)
8. MISCELLANEOUS APPEALS DIVISION CASES  
(Discrimination Complaints, Withholds, Voided Appointments, Rule 211 Appeals, Petitions for Rehearing)  
On February 17, 1999, the Board adopted the following decisions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.  
VOTE: Bos, Carpenter, Elkins, Ward - Aye.

CORRECTION

The recommended action for the following appeal listed under Miscellaneous Merit Appeals Cases in the agenda for January 20, 1999 was incorrect and should have read:

RUDY FLORES, Case No. 98-0512  
ACTION: GRANTED

PETITIONS FOR HEARING

- A. PHILLIP N. JONES, Case No. 98-5214  
Petition for Rehearing of the appeal of Phillip N. Jones of the decision of the Department of Youth Authority to withhold her eligibility from the list for Group Supervisor.  
ACTION: DENIED - Appellant failed to submit additional information that would warrant a change in the decision of the Board.

WITHHOLD DENIAL CASES

- \* CARLOS SORIANO, Case No. 98-3239  
Classification: Correctional Officer  
ACTION: DENIED
- \* JUSTIN W. DAVIS, Case No. 98-3240  
Classification: Correctional Officer  
ACTION: DENIED
- \* GERALD KEYS, Case No. 98-3241  
Classification: Correctional Officer  
ACTION: DENIED

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- \* MICHAEL C. GUNDERSEN, Case No. 98-3242  
Classification: Correctional Officer  
ACTION: DENIED
- \* SHAHIRA TURNER, Case No. 98-3248  
Classification: Correctional Officer  
ACTION: DENIED
- \* ARMANDO BANDA, Case No. 98-3020  
Classification: Correctional Officer  
ACTION: DENIED
- \* BRYAN D. HOPKINS, Case No. 98-3021  
Classification: Correctional Officer  
ACTION: DENIED
- \* JAMES HARMON, Case No. 98-3092  
Classification: Correctional Officer  
ACTION: DENIED
- \* KERBY LANFORD, Case No. 98-3250  
Classification: Correctional Officer  
ACTION: DENIED
- \* BARBARA J. HEINTZ, Case No. 98-3220  
Classification: Cadet, California Highway Patrol  
ACTION: DENIED
- \* ROY FREEMAN, Case No. 98-3093  
Classification: Correctional Officer  
ACTION: DENIED
- \* APULEYO GUILLEN, Case No. 98-3094  
Classification: Correctional Officer  
ACTION: DENIED
- \* MARTIN J. ROSALEZ, Case No. 98-3135  
Classification: Correctional Officer  
ACTION: DENIED
- \* EFRAIN ROBLES, Case No. 98-3019  
Classification: Correctional Officer  
ACTION: DENIED
- \* MITCHELL MAY, Case No. 98-4220  
Classification: Correctional Officer  
ACTION: DENIED



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- \* RICHARD PADILLA, Case No. 98-4237  
Classification: Correctional Officer  
ACTION: DENIED
- \* KENNETH S. COOK, Case No. 98-4243  
Classification: Cadet, California Highway Patrol  
ACTION: DENIED
- \* PAMELA R. KELLER, Case No. 98-2870  
Classification: Correctional Officer  
ACTION: DENIED
- \* ARTURO PORTILLO, Case No. 98-2964  
Classification: Correctional Officer  
ACTION: DENIED
- \* MICHAEL J. STACKHOUSE, Case No. 98-2965  
Classification: Correctional Officer  
ACTION: DENIED
- \* XAVIER L. JENKINS, Case No. 98-2969  
Classification: Correctional Officer  
ACTION: DENIED
- \* LARRY NEVINS, Case No. 98-3803  
Classification: Correctional Officer  
ACTION: DENIED
- \* ROLF LEW SCHULTZ, Case No. 98-4235  
Classification: Correctional Officer  
ACTION: DENIED
- \* JUSTIN MATTILA, Case No. 98-4232  
Classification: Correctional Officer  
ACTION: DENIED
- \* FRANCISCO GUERRA, Case No. 98-4225  
Classification: Correctional Officer  
ACTION: DENIED
- \* JOHN F. KALUGDAN, Case No. 98-4053  
Classification: Medical Technical Assistant/CF  
ACTION: DENIED
- \* SALVADOR VARGAS, Case No. 98-4051  
Classification: Licensing-Registration Examiner, (DMV)  
ACTION: DENIED

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- \* THOMAS J. GLAZE, Case No. 98-3895  
Classification: Correctional Officer  
ACTION: DENIED
- \* BRUCE H. PINNEY, Case No. 98-4049  
Classification: Licensing-Registration Examiner, (DMV)  
ACTION: DENIED
- \* LASHAWN E. ELLIOTT, Case No. 98-4047  
Classification: Correctional Officer  
ACTION: DENIED
- \* JOEL A. MARCHESE, Case No. 98-4241  
Classification: Cadet, California Highway Patrol  
ACTION: DENIED
- \* BRIAN HENLEY, Case No. 98-4234  
Classification: Correctional Officer  
ACTION: DENIED
- \* EDWARD ANDREWS, Case No. 98-3977  
Classification: Correctional Officer  
ACTION: DENIED
- \* DALE D. HAWORTH, Case No. 98-3910  
Classification: Correctional Officer  
ACTION: DENIED
- \* MACORD STEVE NGUYEN, Case No. 98-4212  
Classification: Licensing-Registration Examiner (DMV)  
ACTION: DENIED
- \* JOHNNY MACK MOORE II, Case No. 98-4226  
Classification: Correctional Officer  
ACTION: DENIED
- \* NURI KONUKCU, Case No. 98-3887  
Classification: Cadet, California Highway Patrol  
ACTION: DENIED
- \* BASILEO BART BELTRAN, Case No. 98-3891  
Classification: Correctional Officer  
ACTION: DENIED
- \* HUNG DO, Case No. 98-3892  
Classification: Correctional Officer  
ACTION: DENIED
- \* MICHAEL J. LANCIA, Case No. 98-2531

Classification: Cadet, California Highway Patrol  
ACTION: DENIED

- \* DINA MARIE PATZLOFF , Case No. 98-3700  
Classification: Motor Vehicle Field Representative (DMV)  
ACTION: DENIED
- \* ANTHONY J. PAVIA, Case No. 98-3792  
Classification: Licensing-Registration Examiner (DMV)  
ACTION: DENIED
- \* TIMOTHY ADAM RUBALCAVA, Case No. 98-3793  
Classification: Correctional Officer  
ACTION: DENIED
- \* NATAUSSA WHITESIDE, Case No. 98-3794  
Classification: Correctional Officer  
ACTION: DENIED
- \* MICHAEL ANTHONY CONTRERAS, Case No. 98-3796  
Classification: Correctional Officer  
ACTION: DENIED
- \* JAMES D. FREEMAN, Case No. 98-3797  
Classification: Cadet, California Highway Patrol  
ACTION: DENIED
- \* RAYMOND A. HIBBITTS, Case No. 98-3686  
Classification: Correctional Officer  
ACTION: DENIED
- \* RYAN SCHOPEN, Case No. 98-3693  
Classification: Correctional Officer  
ACTION: DENIED
- \* GUILLERMO A. VELASCO, Case No. 98-3694  
Classification: Correctional Officer  
ACTION: DENIED
- \* MARK A. COLVIN, Case No. 98-3698  
Classification: Cadet, California Highway Patrol  
ACTION: DENIED
- \* TRACY LYNN COOPER, Case No. 98-3699  
Classification: Licensing-Registration Examiner (DMV)  
ACTION: DENIED

DISMISSED CASES

- \* CURTIS BROWN, Case No. 98-2350  
Classification: Correctional Officer  
ACTION: DISMISSED - No timely response.
- \* CHARLES DAVID DEBENEDETTI, Case No. 98-4233  
Classification: Correctional Officer  
ACTION: DISMISSED - No timely response.
- \* RUBY EVANS, Case No. 98-1740  
Classification: Correctional Officer  
ACTION: DISMISSED - Appellant did not confirm  
appearance for scheduled hearing.
- \* REGINA L. MENDOZA, Case No. 98-4236  
Classification: Correctional Officer  
ACTION: DISMISSED - No timely response.
- \* DANIEL C. SULLIVAN, Case No. 98-4450  
Classification: Cadet- California Highway Patrol  
ACTION: DISMISSED - No timely response
- \* TONI LYNETTE TAYLOR, Case No. 98-4218  
Classification: Motor Vehicle Field Representative  
(DMV)  
ACTION: DISMISSED - No timely response.
- \* ROBERT L. WAGENMAN, Case No. 98-2764  
Classification: Drawbridge Operator  
ACTION: DISMISSED - Appellant did not confirm  
appearance for scheduled hearing
- \* EUGENE WASHINGTON, Case No. 98-4672  
Classification: Correctional Officer  
ACTION: DISMISSED - No timely response.
- \* SARAH WEISS, Case No. 98-2930  
Classification: Registered Nurse  
ACTION: DISMISSED - Appellant did not confirm  
appearance for scheduled hearing.

9. EXAMINATION APPEALS

On February 17, 1999, the Board adopted the following decisions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Carpenter, Elkins, Ward - Aye.

- A. KATHRYN PRESCOTT, Case No. 98-2634 (Exam) combined with No. 98-2420 (Out-of-Class)  
Final Filing Date: April 24, 1998  
Examination: Statement of Qualifications, a Pass/Fail Supplemental Questionnaire (SQ) and a Promotional Evaluation Review  
Class: Employment Program Manager I  
Testing Agency: Employment Development Department  
Appeal Received: June 23, 1998  
ACTION: DENIED - Did not perform out-of-class work as an Employment Program Supervisor I, or meet the minimum qualifications for the Employment Program Manager I examination
- B. PATRICK S. BERDGE, Case No. 96-4023  
Final Filing Date: March 19, 1996  
Examination: Self-assessment report and a promotional readiness interview  
Class: Public Utilities Counsel IV  
Testing Agency: Public Utilities Commission  
Appeal Received: November 25, 1996  
ACTION: DENIED - No evidence of significant examination irregularities.

10. REQUEST TO FILE CHARGES CASES

On February 17, 1999, the Board took the following actions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Carpenter, Elkins, Ward - Aye.

- A. PETITIONER: Allison Escobar, a contract employee hired to work the canteen area at Pelican Bay State Prison, California Department of Corrections (CDC).  
Issue: Alleged inappropriate remarks made by hiring interview panel members during the interview, and disclosure of confidential information by interview panel member.  
ACTION: DENIED - Petitioner fails to provide sufficient evidence to support allegations.
- B. PETITIONER: Fred Gipson, a former employee with the Franchise Tax Board (FTB).

Issue: Did Department attorney present fraudulent information at dismissal appeal hearing of petitioner?  
ACTION: DENIED - Petitioner offers no explanation of how or why the information cited was fraudulent, or present any other evidence in support of his charges.

- C. PETITIONER: CARLETTE SHOWERS, An employee with the State Compensation Insurance Fund.  
Issue: Does a letter soliciting comments about abusive treatment by a supervisor warrant adverse action against its authors?  
ACTION: DENIED - Authors of letter were warned that their right to seek remedy for abusive treatment must not include defamatory comments
- D. PETITIONER: IGNACIO GARCIA - Case Nos. 98-3442 and 98-4218  
Issues: (1) Discourteous treatment of an employee, (2) Failure of supervisor to take adverse action against charged party.  
ACTION: DENIED - (1) Department documented and counseled charged party for alleged offensive behavior, (2) No evidence to support charge of negligence by supervisor.
- E. PETITIONER: BOBBIE FLOYD, Case No. 98-0820  
Issue: Dishonesty  
ACTION: DENIED - Petitioner provides no evidence that reports made by the charged party of rule violations by the petitioner were false.

12. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

- A. CEA POSITION ACTIONS CURRENTLY UNDER CONSIDERATION
- ( 1) ASSISTANT DEPUTY DIRECTOR, OFFICE OF SUPPORT SERVICES  
The Department of Corrections proposes to allocate one position to the CEA category to perform the duties of the above position.
- B. CEA POSITION ACTIONS APPROVED BY DPA AND APPROVED OR DENIED BY SPB MANAGEMENT

- ( 1) ASSISTANT DIVISION CHIEF, DIVISION OF WATER  
QUALITY  
The Water Resources Control Board's proposed  
allocation of one position to the CEA category to  
perform the duties of the above position has been  
denied.
- ( 2) CHIEF, DIVISION OF TRAFFIC OPERATIONS SAFETY &  
REGULATIONS  
The Department of Transportation's proposed  
allocation of one position to the CEA category to  
perform the duties of the above position has been  
withdrawn.
- ( 3) MANAGER, SPECIAL PROJECTS  
The Department of Insurance's proposed allocation  
of one position to the CEA category to perform the  
duties of the above position has been approved for  
an additional 12 months.

ACTION: Noted

A D J O U R N M E N T

SUBMITTED

1. PUBLIC HEARING TO RECEIVE ORAL AND WRITTEN INPUT ON REGULATIONS ON PERSONAL SERVICES CONTRACTS. (Hearing held September 1, 1998.)

NO ACTION

2. JUDY MCGUIRK, CASE NO. 97-4120. Appeal from dismissal. Department of Developmental Services. (Oral argument held October 6, 1998)

NO ACTION

3. DORIS JONES, CASE NO. 97-5107. Appeal from constructive medical termination. Department of Transportation. (Oral argument held November 5, 1998.)

NO ACTION

4. JESSE BROWN, CASE NO. 98-0384. Appeal from medical termination. Department of General Services. (Oral argument held November 5, 1998.)

NO ACTION

5. ROBERT DAVIS, CASE NO. 97-2572. Appeal from dismissal. Department of Corrections. (Oral argument held November 5, 1998.)

NO ACTION

6. LEANNE R. CALIGIURI, CASE NO. 98-1236. Appeal from dismissal. State Board of Equalization. (Oral argument held December 8, 1998.)

NO ACTION

7. BARBARA J. RIESS, CASE NO. 98-1004. Appeal from rejection. Department of Corrections. (Oral argument held December 8, 1998.)

NO ACTION

8. SUSAN ALEXANDER, CASE NO. 97-0100. Appeal from constructive medical termination. Department of Fish and Game. (Oral argument held December 8, 1999.)

NO ACTION



9. LINDA J. GRIER, CASE NO. 97-3213. Appeal from medical demotion. Department of Health Services. (Oral argument held January 5, 1999.)

NO ACTION

10. CHRISTINE RUELAS, CASE NO. 36860. Appeal from medical termination. State Board of Control. (Written argument presented January 5, 1999.)

NO ACTION

11. CHARLES T. COOK, CASE NO. 97-4596. Appeal from dismissal. Employment Development Department. (Oral argument held January 5, 1999.)

NO ACTION

12. JANET E. MOOREHEAD, CASE NO. 97-1989. Appeal from 60 calendar days' suspension. Department of Corrections. (Oral argument held January 5, 1999.)

NO ACTION

13. MICHAEL D. BUNNELL, CASE NO. 96-2675. Appeal for determination of back salary, benefits, and interest after reinstatement. Department of Corrections. (Oral argument held January 5, 1999.)

NO ACTION

**NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending

before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional forty-five days, the Board hereby publishes its substantial reasons for the need for the forty-five day extension for some of the cases now pending before it for decision.

An additional forty-five days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days

for all cases that meet the above criteria, and that have been before the Board for less than 6 months as of the date of the Board meeting.

**GOVERNMENT CODE § 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.



I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on February 17, 1999.

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WALTER VAUGHN  
Executive Officer  
California State Personnel

Board

VOTE: Bos, Carpenter, Elkins, Ward - Aye.

**CORRECTIONS**

The following decisions on MISCELLANEOUS APPEALS DIVISION CASES, MEDICAL APPEALS, EXAMINATION APPEALS and REQUEST TO FILE CHARGES for the February 2, 1999, Board meeting w ere presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.